

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

WILLIAM BORROUGH,

Plaintiff

V.

FEDERAL BUREAU OF PRISONS,  
ET AL.

## Defendants

Case No. 5:20-cv-00078

## ORDER

Plaintiff William Borrough, proceeding *pro se*, filed this lawsuit under 42 U.S.C. §1983. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3).

On February 22, 2021, the Magistrate Judge issued a Report recommending dismissal of the lawsuit for failure to prosecute or obey an order of the Court. Docket No. 4. A copy of this Report was sent to the Plaintiff at his last known address on February 22, 2021 (Docket No. 3), but no objections have been received.

The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Canada*, 931 F.3d 412, 420–21 (5th Cir. 2019). Because no objections have been received, Plaintiff is barred from *de novo* review by the Court of those findings, conclusions and recommendations. Plaintiff is also barred from appellate review—except upon grounds of plain error—of the unobjected-to factual findings and legal conclusions accepted and adopted by the Court. *Duarte v. City of Lewisville, Tex.*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

**ORDERED** that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So ORDERED and SIGNED this 3rd day of December, 2021.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE